

KEVIN V. RYAN (CSBN 118321)
United States Attorney

EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

TRACIE L. BROWN (CSBN 184339)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102
Telephone: (415) 436-6917
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-05-70741 JCS
)	
Plaintiff,)	[PROPOSED] ORDER AND STIPULATION
)	WAIVING A DETENTION HEARING
v.)	WITHOUT PREJUDICE, WAIVING TIME
)	UNDER RULE 5.1 AND EXCLUDING
TARNISHIA PAUL,)	TIME FROM SEPTEMBER 29, 2005 TO
)	OCTOBER 28, 2005 FROM THE SPEEDY
Defendant.)	TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before Judge Joseph C. Spero on September 29, 2005 and before Judge James Larson on October 7, 2005. With the agreement of the parties, and with the consent of the Defendant, the Court enters this order (1) scheduling a new preliminary hearing/arraignment date of October 28, 2005 at 9:30 a.m., before the Honorable James Larson; (2) documenting the Defendant's waiver of time limits under Federal Rule of Criminal Procedure 5.1; (3) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from September 29, 2005 to October 28, 2005; and (4) documenting the Defendant's waiver, without prejudice, of her right to a detention hearing. The parties agreed, and the Court hereby holds, as follows:

1. The Defendant waives the time limits for a preliminary hearing under Federal Rule of

1 Criminal Procedure 5.1. The government has not yet been able to produce all of the discovery,
 2 and the parties are currently discussing a disposition of this case that may involve cooperation
 3 and/or agreement by the government not to proceed on certain possible charges. In addition, the
 4 defendant has recently suffered a personal loss that will take her attention from preparation and
 5 analysis of her case. Failure to grant the requested continuance would unreasonably deny both
 6 defense and government counsel reasonable time necessary for effective preparation, taking into
 7 account the exercise of due diligence, and would deny the Defendant continuity of counsel.

8 2. Counsel for the defense believes that postponing the preliminary hearing is in his
 9 client's best interest, and that it is not in his client's interest for the United States to indict the
 10 case before October 28, 2005.

11 3. The Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to
 12 grant the requested continuance would unreasonably deny both government and defense counsel
 13 reasonable time necessary for effective preparation, taking into account the exercise of due
 14 diligence, and would deny the Defendant continuity of counsel.

15 4. Given these circumstances, the Court finds that the ends of justice served by excluding
 16 the period from September 29, 2005 to October 28, 2005, outweigh the best interest of the public
 17 and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

18 5. Accordingly, and with the consent of the defendant, the Court orders that the period
 19 from September 29, 2005 to October 28, 2005, be excluded from Speedy Trial Act calculations
 20 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

21 6. The Defendant also waives her right to a detention hearing, without prejudice.

22 7. The Court hereby schedules a new preliminary hearing/arraignment date of October
 23 28, 2005, at 9:30 a.m., before the Honorable James Larson.

24 IT IS SO STIPULATED.

25 DATED: _____ 10/11/05 _____ /s/
 26 TRACIE L. BROWN
 Assistant United States Attorney

27 DATED: _____ 10/12/05 _____
 28 RONALD C. TYLER
 Attorney for TARNISHIA PAUL

IT IS SO ORDERED.

DATED: October 14, 2005

